CLASSIFICATION OFFICE DECISION

Title of publication:	02976_1.jpg
Other known title(s):	Not stated
OFLC ref:	1001039.000
Medium:	Computer Image File Printout
Publisher:	Not stated
Country of origin:	Not stated
Language:	Not applicable
Applicant:	The District Court at Kaitaia
Classification:	Objectionable.
Descriptive note:	None
Display conditions:	None
Date of entry in Register:	12 July 2010
Date of direction to issue a label:	No direction to issue a label has been issued

Summary of reasons for decision:

The computer image file printout is deemed objectionable under s3(2) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act) because it promotes and supports the exploitation of children for sexual purposes. The image explicitly depicts a man poised to perform a sexual act on a girl, who has been positioned to make a salacious spectacle of her nudity. Apart from being a record of sexual abuse, the publication promotes the view that children are ready and freely available to adults for sexual activity. It is designed to arouse viewers with a sexual interest in children, and serves to legitimise this interest.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of this publication interferes with freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the FVPC Act are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of a free and democratic society to limit the availability of publications that promote and support the exploitation of children and young persons for sexual purposes.